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## **OLR Bill Analysis**

### **sHB 5521**

#### ***AN ACT CONCERNING THE STORAGE AND ADMINISTRATION OF EPINEPHRINE AT PUBLIC SCHOOLS.***

##### **SUMMARY:**

This bill requires schools to designate and train nonmedical staff to administer emergency epinephrine in cartridge injectors (“epipens”) to students having allergic reactions who were not previously known to have serious allergies. It authorizes the emergency use of epipens by nonmedical staff only if the school nurse is not present or available and certain conditions are met.

The bill permits the following individuals (i.e., “qualified school professionals”) to be trained and authorized: principal, teacher, licensed nurse, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach of school intramural or interscholastic athletics, and school paraprofessional. By law, (1) all of these individuals can, under specific circumstances, administer glucagon via injection to a student with diabetes and (2) a specifically designated paraprofessional can administer an epipen to a student with a known allergy.

The bill requires the school nurse or school principal to select qualified school professionals to be trained and administer epipens under the bill’s provisions. The professionals must meet training and other requirements before being allowed to administer epipens. Schools must (1) have at least one qualified professional on the school grounds during regular school hours and (2) maintain a store of epipens for emergency use.

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2014

## **STUDENTS WITH ALLERGIES**

### ***Administering Emergency Epinephrine***

The act requires a school nurse or principal to select qualified school professionals to, under certain conditions, give an emergency epipen injection to a student with having an allergic reaction without a prior written authorization from a parent or guardian or a written order from a qualified medical professional for the administration of epinephrine. It defines “qualified medical professional” as a Connecticut-licensed physician, dentist, optometrist, advanced practice registered nurse, physician assistant, or podiatrist.

Current law only allows (1) nonmedical staff to give emergency glucagon injections to diabetic students requiring prompt treatment to avoid serious harm or death and (2) a specifically designated paraprofessional to administer an epipen to a student with a known allergy. In both scenarios, nonmedical staff can administer injections if there is written authorization from the student’s parents and a written order from a physician.

The bill applies the same conditions and training requirements to employees administering epinephrine as currently exist for glucagon. They may administer the injections only if the:

1. school nurse is absent or unavailable;
2. employee has completed any annual training in how to administer epinephrine that the school nurse and school medical advisor require;
3. nurse and medical advisor attest, in writing, that the employee has completed the training; and
4. employee voluntarily agrees to the selection.

The school nurse must provide general supervision to the qualified employee.

### ***Maintaining Store of Emergency Epinephrine***

The bill requires the school nurse or, in the nurse's absence a qualified school professional, to maintain a store of epinephrine cartridge injectors for emergency use. The bill defines cartridge injector as an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.

#### **REQUIREMENTS ON LOCAL AND REGIONAL BOARDS OF EDUCATION**

As with glucagon, the bill requires local and regional boards of education to adopt policies and procedures allowing emergency administration of epinephrine. The policies and procedures must conform with the bill's provisions and with State Board of Education regulations and be approved by the local board's medical advisor, or if there is none, a qualified licensed physician.

Each school that administers medication under the bill must record the administration as required by state law and store the medication as prescribed by Department of Consumer Protection regulations.

#### **SBE REGULATIONS**

The bill requires SBE to adopt regulations to address:

1. the conditions and manner under which medication will be stored at schools,
2. the authority to store and administer epinephrine for emergency first aid for students who experience allergic reactions and do not have a prior written parental authorization or a prior written order of a qualified medical professional for epinephrine administration.

#### **IMMUNITY FROM LIABILITY**

The bill extends the existing immunity from liability for employees and local boards provided under the glycogen law to the epinephrine provisions.

It bars anyone from making a claim against a town, board of

education, or school employee for damages resulting from administration of medication under the bill. The immunity covers the qualified school personnel. It does not apply to acts or omissions that constitute gross, wilful, or wanton negligence.

The bill also extends immunity to those acting under an existing statute that allows school employees, other than the school nurse, including a principal, teacher, licensed nurse, licensed athletic trainer, licensed physical or occupational therapist employed by the school board, or coach to administer medicinal preparations, including controlled drugs the consumer protection commissioner designates, to a student pursuant to a written medical order.

## **RELATED PROVISIONS**

### ***School-Based Health Centers***

The bill broadens the types of drugs a nurse at a school-based health clinic can administer. Under current law, a health clinic nurse can administer only medicinal preparations, including controlled drugs the consumer protection commissioner designates. The bill removes the limitation that only drugs the commissioner designates can be administered, thus allowing school-based health clinic nurses to administer any drug.

The bill also eliminates the requirement that a board of education approve policies and procedures for administering of medication at a school-based health center.

### ***Physician and Dentist Authorization***

The bill narrows the type of doctor or dentist who can give an order authorizing (1) nonmedical staff to administer medications and controlled drugs and (2) students to self-administer (a) inhalers for asthma or (b) epipens for known allergic reactions. The bill allows only doctors and dentists licensed in Connecticut to give such orders, while under current law doctors and dentists licensed in other states are also authorized to do so.

## **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/21/2014)